

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**TOMMIE L. HOPKINS,**

**Defendant.**

**No. 08-30226-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Tommie L. Hopkins motion to proceed without prepayment of costs and affidavit in support (Doc. 61). Based on the following, the Court **DENIES AS MOOT** the motion to proceed *in forma pauperis*.

On November 20, 2009, the Court sentenced Hopkins to 70 months imprisonment on each of Counts 1 & 2 of the indictment, to run concurrently (Doc. 48) and the Clerk of the Court entered judgment reflecting the same (Doc. 51). Thereafter, on November 24, 2009, Hopkins filed a notice of appeal (Doc. 53). He later filed a motion to proceed *in forma pauperis* with the Seventh Circuit which ultimately transferred the motion to this Court for ruling (Doc. 60).

As to his criminal appeal, Hopkins does not need the Court's permission to proceed on appeal *in forma pauperis* in his criminal case because the Court determined at the trial level that he was financially unable to obtain an adequate defense (See Doc. 7), although he eventually did retain private counsel. "A party...who was determined to be financially unable to obtain an adequate defense

in a criminal case ... may proceed on appeal without further authorization” unless the district court certifies or a statute provides otherwise. **FEDERAL RULE OF APPELLATE PROCEDURE 24(a)(3)**. The Court has not and will not certify that Hopkins should not be allowed to continue as a pauper and no statute forbids it. Therefore, Hopkins already has the authority he needs. Thus, the Court **DENIES as moot** the motion for leave to proceed *in forma pauperis* (Doc. 61).

**IT IS SO ORDERED.**

Signed this 13th day of January, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**